

On motion of Senator Reagan and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 30 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 30 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Bates	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

Absent—Excused

Blanchard Creighton

Welcome and Congratulatory Resolutions

S. R. No. 96—By Senator Word: Extending welcome to J. M. White Jr. and Bob Avirett of Meridian.

S. R. No. 99—By Senator Watson: Extending congratulations to J. D. Moore, Milam County Agent on receiving National County Agricultural Agent Association award.

S. R. No. 100—By Senator Word: Extending welcome to students and teachers of civics class of Abbott High School.

S. R. No. 101 — By Senator Schwartz: Extending welcome to Mrs. William Schaaf, et al.

S. R. No. 102—By Senator Watson: Extending welcome to students and teachers of Robinson Junior High School of McLennan County.

S. R. No. 103—By Senator Bates:

Extending welcome to the Honorable Jack Drake, Manager of Rio Grande Valley Chamber of Commerce.

S. R. No. 104—By Senator Strong: Extending welcome to Stephen Butter of Longview.

Memorial Resolutions

S. R. No. 95—By Senator Richter: Memorial resolution for Dr. Hugo E. Gibson.

S. R. No. 97—By Senator Watson: Memorial resolution for Dr. Sherrod Aston Brady.

S. R. No. 98—By Senator Watson: Memorial resolution for Mrs. Gaines J. Barron.

Adjournment

On motion of Senator Moffett the Senate at 11:54 o'clock a.m. adjourned until 2:00 o'clock p.m. tomorrow.

NINETEENTH DAY

(Thursday, February 7, 1963)

The Senate met at 2:00 o'clock p.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Calhoun	Moffett
Cole	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Strong
Kazen	Word

Absent—Excused

Blanchard Spears
Herring Watson
Ratliff

A quorum was announced present.

The Reverend Kenneth Miller, Pastor of Casa Linda Presbyterian Church, Dallas, offered the invocation.

On motion of Senator Aikin, and

by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Owen.

Senator Watson was granted leave of absence for today on account of important business on motion of Senator Crump.

Senator Spears was granted leave of absence for today on account of important business on motion of Senator Kazen.

Senator Blanchard was granted leave of absence for today on account of illness on motion of Senator Word.

Senator Herring was granted leave of absence for today on account of important business on motion of Senator Aikin.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 320, A bill to be entitled "An Act changing the terms of office of members of Boards of Regents of Junior College Districts operating under Chapter 146, Acts of the 51st Legislature, 1949 (compiled as Article 2815o, Vernon's Texas Civil Statutes), to six years; providing for the filling of vacancies; providing that this Act shall be cumulative of all other laws except in case of conflict; and declaring an emergency."

H. B. No. 64, A bill to be entitled "An Act regulating the distribution, sale, or transportation of insecticides, fungicides, rodenticides, defoliants, desiccants, plant regulators, nematocides, and other economic pesticides and devices; regulating traffic therein; providing for labeling registration, and examination of such materials; defining certain terms; im-

posing penalties, and for other purposes; providing other provisions relating thereto; prescribing the powers and duties of the Commissioner of Agriculture including provisions for his consultation with appropriate officials of certain organizations; providing a severability clause; repealing Chapter 98, Acts of the 48th Legislature, Regular Session, 1943, as amended, and all other conflicting laws to the extent of such conflict; and declaring an emergency."

H. B. No. 294, A bill to be entitled "An Act authorizing the West Side Calhoun County Navigation District to sell certain water supply facilities and appurtenances to Guadalupe-Blanco River Authority; validating, ratifying and confirming an agreement heretofore executed by and between said District and said Authority; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Presentation of Guest

Senator Parkhouse by unanimous consent presented Mrs. Kenneth Miller, the wife of the Reverend Kenneth Miller of Dallas, to the Members of the Senate.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
February 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 174, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 128, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 126, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

AIKIN, Chairman.

C. S. S. B. No. 6 was read first time.

Senator Reagan submitted the following report:

Austin, Texas,
February 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Banking, to whom was referred S. B. No. 69, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Senator Hardeman submitted the following report:

Austin, Texas,
February 7, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 17, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senate Bills and Resolution on First Reading

The following bills and resolution

were introduced, read first time and referred to the committees indicated:

By Senator Owen:

S. B. No. 254, A bill to be entitled "An Act changing the terms of office of members of Boards of Regents of Junior College Districts operating under Chapter 146, Acts of the 51st Legislature, 1949 (compiled as Article 2815o, Vernon's Texas Civil Statutes), to six years; providing for the filling of vacancies; providing that this Act shall be cumulative of all other laws except in case of conflict; and declaring an emergency."

To the Committee on Education.

By Senator Crump:

S. B. No. 255, A bill to be entitled "An Act limiting the liability of laborers, mechanics, materialmen, contractors, builders, architects and engineers for injuries done to the person of another or for trespass, for injury to the estate or the property of another as a result of conditions existing on lands or of buildings, machinery or other work or improvements constructed, installed or performed thereon where such injury or trespass occurs after possession of the premises was delivered to the owner upon completion; and providing a defense to any such action, for the laborer or mechanic that he performed his work according to instructions of the Contractor, Builder, Architect, engineer or owner, or for the materialman, contractor or builder that he furnished his materials and performed his work in accordance with plans, specifications, and instructions of the architect, engineer or owner; and for the architect or engineer that he prepared his design, plans and specifications and issued his instructions in accordance with the instructions of the owner; repealing all laws in conflict herewith; providing a savings clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Cole:

S. B. No. 256, A bill to be entitled "An Act providing that sixty per cent (60%) of the operations of the Department of Public Safety shall be financed from the State Highway Fund and the remaining forty per cent (40%) of such operations shall be financed from the General Revenue Fund; abolishing the Operator's and

Chauffeur's License Fund; abolishing the Motor Vehicle Inspection Fund; providing for the deposit of certain fees and fund balances in the General Revenue Fund; amending Section 15, Article III, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 as amended (compiled as Section 15 of Article 6687b, Vernon's Texas Civil Statutes), Section 26, Chapter 181, Acts of the 44th Legislature, Regular Session, 1935 (compiled as Article 4413 (26) of Vernon's Texas Civil Statutes), and paragraphs (a) and (d) of Section 141 of Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as amended (compiled as paragraphs (a) and (d) of Section 141, Article 6701d of Vernon's Texas Civil Statutes); repealing Chapter 257, Acts of the 53rd Legislature, Regular Session, 1953 (compiled as Section 15a of Article 6687b, Vernon's Texas Civil Statutes), Section 16, Article III, Acts of the 47th Legislature, Regular Session, 1941 (compiled as Section 16 of Article 6687b, Vernon's Texas Civil Statutes), and Section 17, Article III, Acts of the 47th Legislature, Regular Session, 1941 (compiled as Section 17 of Article 6687b, Vernon's Texas Civil Statutes), and all other laws in conflict; providing for severability; providing an effective date; and declaring an emergency."

To the Committee on Finance.

By Senator Harrington:

S. B. No. 257, A bill to be entitled "An Act amending Section 8 of Chapter 26, Acts of the 42nd Legislature, 1st Called Session, 1931 as amended, in order to allow interested persons aggrieved by conservation laws relating to crude petroleum or natural gas or waste thereof or by any rule, regulation or order promulgated by the Railroad Commission to file suit, with certain exceptions in a court of competent jurisdiction in the county where any well or wells, land or mineral interest or a part thereof affected lies; and declaring an emergency."

To the Committee on Oil and Gas.

By Senator Krueger:

S. B. No. 258, A bill to be entitled "An Act exempting certain church-owned motor vehicles used for church school purposes from certain motor vehicles sales taxes and registration fees, and providing for refunds of

certain motor fuel taxes; amending Chapter 6 of Title 122A, Taxation—General, of the Revised Civil Statutes of Texas, 1925, and Subsection c of Section 3 of Chapter 88, Acts of the 41st Legislature, Second Called Session, 1929, as last amended; and Subsections (2), (6) and (7) of Article 9.13, Chapter 9, Title 122A, Taxation—General, of the Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Reagan:

S. B. No. 259, A bill to be entitled "An Act authorizing the Board of Directors of the Texas College of Arts and Industries to acquire land in Hidalgo County; to pledge future revenue of land acquired and bookstore revenue to secure a lien on land acquired; containing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Kennard:

S. B. No. 260, A bill to be entitled "An Act relating to re-employment of retired auxiliary school employees; providing that they may be employed on a substitute basis for a period not to exceed eighty (80) days in any one school year; providing a penalty for employment in excess of eighty (80) days; and declaring an emergency."

To the Committee on Education.

By Senator Harrington:

S. B. No. 261, A bill to be entitled "An Act amending Article 6014 of the Revised Civil Statutes of Texas, 1925, as amended, limiting the size of oil and gas proration units; and declaring an emergency."

To the Committee on Oil and Gas.

By Senator Kennard:

S. B. No. 262, A bill to be entitled "An Act amending Article 725b of the Penal Code, Acts 1937, 45th Legislature, p. 333, Chapter 169, amending Sec. 8 as amended, Acts 1941, 47th Legislature, p. 647, Chapter 392, Paragraph 1, in regard to exempt preparations; by amending Sec. 9, subsection (1) as amended, Acts 1941, 47th Legislature, p. 647, Chapter 392, Paragraph 2; Acts 1953, 53rd Legislature, p. 812, Chapter 328, Paragraph 4, in regard to records to be kept and to purchases without pre-

scriptions; providing for severability; and declaring an emergency."

To the Committee on Public Health.

By Senator Bates:

S. B. No. 263, A bill to be entitled "An Act authorizing and empowering municipal corporations and political subdivisions, including conservation and reclamation districts, to enter into contracts and agreements with the owners of land relating to the development of such land; and declaring an emergency."

To the Committee on Counties, Cities, and Towns.

By Senators Schwartz and Rogers:

S. J. R. No. 22, Proposing an Amendment to Section 16, Article III of the Constitution of Texas, providing for open sessions of the House and Senate, providing for an election and the issuance of a proclamation therefor.

To the Committee on Constitutional Amendments.

Senate Concurrent Resolution 19

Senator Cole offered the following resolution:

S. C. R. No. 19, Granting permission to Glidden William Davis to sue the State of Texas.

Whereas, Glidden William Davis, a resident of Harris County, Texas, served a term as an inmate of the Texas state prison at Huntsville, Texas; and

Whereas, He alleges that on January 4, 1960, while performing duties assigned to him in the prison, he suffered an injury to his leg; and

Whereas, As a result of the injuries received, he underwent surgery at John Sealy Hospital in Galveston and the lower portion of his right leg was removed; and

Whereas, There was an initial delay in securing treatment for the injury, and subsequently Glidden William Davis suffered considerable pain and difficulty because his artificial leg was not properly fitted and adjusted; and

Whereas, After parole he managed to secure the necessary treatment and proper fitting for the artificial limb and is now gainfully employed, having completed his parole; and

Whereas, Glidden William Davis is desirous of determining the liability, if any, of the State of Texas and the

Texas Department of Corrections for his injury and the loss of his right leg, and for that purpose he desires to file suit in the court having jurisdiction over the claim to have such liability and the amount of damages therefor, if any, judicially determined; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That Glidden William Davis be authorized to file a suit against the State of Texas and the Texas Department of Corrections for the amount of his claim to determine liability; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to Glidden William Davis to bring suit against the State of Texas. No admission of liability or of any fact is made by the passage of this resolution, but on the contrary, it is specifically provided that the facts upon which Glidden William Davis seeks to recover must be proved in court as in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Resolution 106

Senator Strong offered the following resolution:

Whereas, The great State of Texas has produced the most outstanding football players of any state in the union; and

Whereas, None has gained greater acclaim, contributed more to the sport, nor brought greater honor to Texas athletics than has Y. A. Tittle of Marshall, Harrison County, Texas; and

Whereas, The citizens of Marshall, in recognition of this outstanding athlete and his contribution to the sport and his city, county and state, have designated Saturday, February 9, 1963, at Y. A. Tittle Day in Marshall; now, therefore, be it

Resolved, That the Senate of the State of Texas extends its congratulations to Y. A. Tittle and declares that it shall adjourn on this 7th day of February, 1963, in honor of Y. A. Tittle and Y. A. Tittle Day in Marshall, Harrison County, Texas.

The resolution was read and was adopted.

Message from the Governor

The following message received

from the Governor today was read and referred to the Committee on Nominations:

Austin, Texas,
February 7, 1963.

To the Senate of the Fifty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Directors of A. & M. College of Texas, for six-year terms to expire January 10, 1969: L. F. Peterson of Fort Worth, Tarrant County; Gardiner Symonds of Houston, Harris County; Dr. A. P. Beutel of Freeport, Brazoria County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas.

House Bills on First Reading

The following bills received from the House were read the first time and referred to the committees indicated:

H. B. No. 64, To the Committee on Agriculture and Livestock.

H. B. No. 294, To the Committee on Water and Conservation.

H. B. No. 320, To the Committee on Education.

Resolution Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 5, Designating February of each year as American History Month.

Welcome and Congratulatory Resolutions

S. R. No. 105—By Senator Aikin for Senator Dies, President Pro Tempore: Extending welcome to Mrs. Howard Adams of Fulton, Kentucky, and Mrs. John Calloway of Lufkin and Mrs. S. A. Almon of Austin.

S. R. No. 107—By Senator Reagan: Extending congratulations to Mr. and Mrs. F. E. Peckenpaugh on their

Golden Wedding Anniversary; amended to add the names of the Lieutenant Governor and all the Senators as signers thereof.

S. R. No. 108—By Senators Bates, Moore and Schwartz: Extending welcome to Richard McDonald, Chairman of Texas 4-H Council of San Benito and Ann Williams, Vice-Chairman of Texas 4-H Council of Angleton, et al.

Adjournment

On motion of Senator Moffett the Senate at 2:42 o'clock p.m. adjourned until 11:00 o'clock a.m. on Monday, February 11, 1963.

Record of Vote

Senator Patman asked to be recorded as voting "Nay" on the motion to adjourn.

TWENTIETH DAY

(Monday, February 11, 1963)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Hall

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 7, 1963, was dispensed with and the Journal was approved.